

EXHIBIT 1

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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JENNIE QUAN, individually and as
successor in interest to BENJAMIN
CHIN, deceased,

Plaintiffs,

vs. Case No. No. 2:24-cv-04805-MCS-KS

COUNTY OF LOS ANGELES;
MARISOL BARAJAS; HECTOR
VASQUEZ; and DOES 3-10, inclusive,

Defendants.

STENOGRAPHIC REPORTER'S TRANSCRIPT OF
REMOTE VIDEO DEPOSITION OF HECTOR VASQUEZ
THURSDAY, SEPTEMBER 25, 2025

Reported Stenographically by:

KIMBERLY D'URSO, CSR 11372, RPR

Job No. 20243

1 THE WITNESS: Yeah.

2 MR. GALIPO: Tom and I know right away, but we
3 often don't want to share it.

4 BY MR. GALIPO:

5 Q. In this incident, you fired some shots; is that
6 correct?

7 A. Yes.

8 Q. And what type of weapon did you fire the shots
9 from?

10 A. From a shotgun.

11 Q. And do you know what type of shotgun it was?

12 A. County-issued patrol shotgun.

13 Q. Do you know what type of ammunition it
14 generally carries?

15 A. We carry two types of ammunition on it.

16 Q. And what are those?

17 A. One is double-lock buck shot. And the other
18 one is slugs.

19 Q. What's the difference, as you understand it?

20 A. The double-lock buck shot is -- consists of
21 several smaller pellets, I believe it's nine; whereas a
22 slug is one piece, I believe it's one ounce, of lead.

23 Q. And what type of ammunition did you put in the
24 shotgun, if you recall?

25 A. At what point?

1 Q. Well, did you fire all the same type of
2 ammunition, or did it change?

3 A. I fired the same type.

4 Q. What type was that?

5 A. The slugs.

6 Q. And how many slugs did you fire, approximately?

7 A. Two.

8 Q. Was there any time gap between the two shots?

9 A. I would say not very much, almost one
10 immediately after the other.

11 Q. Okay. How far would you estimate you were from
12 the person you shot when you fired?

13 A. Just a rough estimate, maybe 30, 40 feet.

14 Q. What surface were you on when you fired,
15 meaning, street, sidewalk, whatever -- whatever applies?

16 A. I was on the sidewalk.

17 Q. And what sidewalk were you on?

18 A. I'm thinking about it because that street
19 curves. So I guess it would be the west sidewalk,
20 maybe.

21 Q. Do you know what street or streets are located
22 there?

23 A. Yeah. It was on Diamond Bar Boulevard.

24 Q. Do you know what the closest cross street was
25 to where you were positioned?

1 Q. And do you know which direction that street
2 runs?

3 A. North and south at that location. Like I said,
4 it curves, so it changes a lot.

5 Q. Which -- the person was walking just before you
6 fired; is that correct?

7 A. Correct.

8 Q. Which direction was the person walking?

9 A. It was northbound.

10 Q. And when you fired your first shot, what part
11 of the person was exposed to you? Or where were you
12 aiming? I'm sure you were shooting center mass?

13 A. Yes.

14 Q. What was center mass, from your perspective?

15 A. The left side of his torso.

16 Q. Was the individual's left side closer to you
17 than the right side?

18 A. Yes.

19 Q. Were you able to see the person's back when you
20 were firing?

21 A. Slightly.

22 Q. And how about the second shot; was it generally
23 the same area or did it change?

24 A. It changed somewhat.

25 Q. Can you explain that, please?

1 A. Yes. After the first shot, he began to rotate
2 his body in my direction, so his -- the front of him
3 became more of a center mass for me.

4 Q. At the time of your first shot -- let me just
5 break this down, if I can. At the time of your first
6 shot, was the individual more or less facing northbound?

7 A. Yes.

8 Q. And which compass direction were you firing
9 when you fired your first shot?

10 A. It would have been in an eastwardly direction.

11 Q. Was it due east or slightly northeast, if you
12 know?

13 A. Probably slightly northeast.

14 Q. And when you fired your second shot, are you
15 saying the person turned towards you between your first
16 shot and your second shot?

17 A. Correct.

18 Q. And which way was the front -- which way was
19 the front of the body of the individual facing when you
20 fired your second shot?

21 A. It would make it west, in a westerly direction
22 towards me.

23 Q. And so for your second shot, center mass would
24 have been what?

25 A. The front of his body.

1 Q. Okay. So do I have it correct that the first
2 shot would have been like his -- more his left side or
3 back left side; and the second shot would be the front
4 of the body?

5 A. Front, left side of the body.

6 Q. So your recollection is he turned toward you in
7 between the first shot and the second shot?

8 A. Correct.

9 Q. And so for the second shot he was more or less
10 facing you?

11 A. Correct.

12 Q. And if I have my directions correct, for the
13 first shot he would have been facing north; the second
14 shot, he would have been facing west?

15 A. Correct.

16 Q. Had You heard any shots before you fired your
17 first shot?

18 A. I heard what I believed to be one shot.

19 Q. And could you tell where that shot was coming
20 from?

21 A. I could not.

22 Q. Did you think he fired that shot?

23 A. I wasn't sure.

24 Q. Could you tell if the shot was from a handgun
25 or something else?

1 A. I couldn't distinguish, just based on the
2 sound.

3 Q. Did you have an impression or belief at the
4 time as to whether another deputy had fired?

5 A. I wasn't sure.

6 Q. Did you believe that he had fired the shot?

7 MR. HURRELL: Objection. It's asked and
8 answered.

9 But go had ahead.

10 THE WITNESS: I wasn't sure.

11 BY MR. GALIPO:

12 Q. Did you ever see him firing any shots at any
13 time?

14 A. No.

15 Q. Did you give any verbal warning that you were
16 going to fire?

17 A. Not that I was going to fire, no.

18 Q. Did you hear any other deputy give any verbal
19 warning that shots were going to be fired?

20 A. I don't recall hearing anything.

21 Q. When you heard the first shot, could you see
22 the individual?

23 A. Yes.

24 Q. How far was the individual from you when you
25 heard the first shot?

1 A. The same distance; I would say, 30 to 40 feet.

2 Q. And if I'm understanding you correctly, you're
3 saying if you -- well, strike that.

4 When I say "the first shot," are you
5 understanding the first shot you heard, as opposed to
6 the first shot you took?

7 A. Yes, first shot I heard.

8 Q. Okay. So am I understanding you correctly that
9 you were looking at him from 30 to 40 feet away, you
10 heard a shot, and you didn't know whether he shot the
11 shot or someone else?

12 A. Correct.

13 Q. Could you tell if it appeared that the first
14 shot you heard impacted him?

15 A. I did notice him flinch somewhat, but I wasn't
16 sure what that was.

17 Q. Okay. Can you describe a little bit what you
18 observed, with respect to how he flinched?

19 A. Sure. As he's walking in a northerly
20 direction, his flinch movement was -- how would you call
21 it? Like he bent forward slightly and came back up.

22 Q. Okay.

23 A. Yeah.

24 Q. So in your mind, did you think he possibly had
25 been struck, but you weren't sure?

1 A. Correct.

2 Q. And then how much time, approximately, passed
3 between that first shot you heard and your first shot?

4 A. Not very much time.

5 Q. Do you have an estimate?

6 A. I would say almost immediate, as I saw him --
7 that's when I saw him reach for -- reach for his
8 firearm, basically.

9 Q. You saw him reach for the firearm after you
10 heard the first shot?

11 A. That's when I noticed it, from my angle.

12 Q. Okay. And so are you saying that you fired
13 within a second or so from hearing the first shot?

14 A. I would think so, yes.

15 Q. And then your second shot you're saying was
16 almost consecutive or immediate after your first shot?

17 A. Correct; right as he started to rotate towards
18 me with the gun in hand.

19 Q. How long were you observing him before you
20 heard the first shot?

21 A. I couldn't tell you exactly, but it all
22 happened super fast.

23 Q. I certainly don't expect exact. I know you
24 weren't looking at your clock or anything. But since
25 you were there, and I wasn't, I'm trying to get some

1 range. I don't know if you were looking at him for 30
2 seconds, 60 seconds, 5 to 10 seconds, whatever it might
3 apply.

4 A. Are you asking from when I first saw him; or at
5 what point?

6 Q. Yeah, exactly. From when you first saw him to
7 when you fired your first shot, how much time would you
8 estimate passed in between those two points?

9 A. From when I first saw him to the time I fired
10 my first shot, it had to be maybe a minute or so.

11 Q. And where was he when you first saw him?

12 A. He was on Crooked Creek, on the sidewalk.

13 Q. And was he stationary or walking?

14 A. When I first saw him, he was stationary, facing

15 -- facing the houses on the street, basically.

16 Q. And how far was he from you when you first saw
17 him?

18 A. It was like half a block distance.

19 Q. And I take it, given that you're young, at
20 least from my perspective, your eyesight is pretty good,
21 as far as you know?

22 A. I think so.

23 Q. When you saw him from about a half a block
24 away, initially, could you see that he had what appeared
25 to be a rifle slung over his right side?

1 A. Yes; and also wearing a bullet proof vest.

2 Q. And you could see that from half a block away?

3 A. Yes.

4 Q. Did you think, based on your training, it would
5 be appropriate to shoot him when you first saw him
6 standing there?

7 A. No.

8 Q. And why not at that point?

9 A. Well, I didn't see any people around him for
10 him to pose a threat to them. And also, the backdrop
11 behind him was very busy, so I couldn't take a shot from
12 there, even if I wanted to or had to.

13 Q. Okay. And then did you see him moving at some
14 point from that initial stopped position?

15 A. Yes.

16 Q. And which direction did you see him moving?

17 A. He began walking towards Diamond Bar Boulevard.

18 Q. And would that be northbound?

19 A. That would be eastbound.

20 Q. Oh, eastbound?

21 A. I believe so. Those streets curve a lot in
22 that area, so they change direction.

23 Q. Okay. So do I have it correct that you
24 initially saw him, and he was more or less stationary or
25 stopped?

1 A. Correct.

2 Q. And then at some point he started walking?

3 A. Correct.

4 Q. And when he started walking, he was going
5 toward Diamond Bar Boulevard?

6 A. Correct.

7 Q. And you think, initially, from where he was,
8 that would be in an eastbound direction?

9 A. I believe so, yes.

10 Q. And how far did you observe him walking
11 eastbound before he changed direction?

12 A. He made it all the way onto Diamond Bar
13 Boulevard. And when he reached Diamond Bar Boulevard,
14 he went onto the street and then made a turn to proceed
15 northbound.

16 Q. And do you have any estimate as to how far he
17 had to walk eastbound before he got to Diamond Bar
18 Boulevard?

19 A. About half a block.

20 Q. And during that time frame, could you see the
21 rifle still slung over his right side?

22 A. Yes.

23 Q. And you could still see the bullet proof vest?

24 A. Yes.

25 Q. Did you say anything to him during that time

1 frame?

2 A. Yes, several times.

3 Q. What did you say?

4 A. I was asking him to stop and drop the gun.

5 Q. Okay. Did you think, based on your training,
6 it would have been appropriate to shoot him as he was
7 walking eastbound, before getting to -- I'm drawing a
8 blank on the name -- Diamond Bar Boulevard? I'm sorry.

9 A. No.

10 Q. And so then he got to Diamond Bar Boulevard,
11 correct, and he started walking northbound?

12 A. Correct.

13 Q. And how far did he walk northbound on Diamond
14 Bar Boulevard?

15 A. Very minimal amount, maybe 20, 30 feet.

16 Q. When he first started walking northbound on
17 Diamond Bar Boulevard, before you heard the shot, did
18 you think it was appropriate to shoot him?

19 A. I didn't hear the shot until I was on Diamond
20 Bar Boulevard myself.

21 Q. But I think you told me you could see him at
22 the time of the shot; is that correct?

23 A. Yes. That's when I was on Diamond Bar
24 Boulevard already.

25 Q. Okay. And how long -- did he go out of your

1 view for some period of time?

2 A. For a split second, yes.

3 Q. And how long did he come back in your view
4 before you heard the first shot?

5 A. Can you kind of clear that up for me a little
6 bit?

7 Q. Sure. It's my understanding, when you heard
8 the first shot, you could see him; is that correct?

9 A. Correct.

10 Q. And he was walking northbound on Diamond Bar
11 Boulevard?

12 A. Correct.

13 Q. Do you have an estimate as to how far he walked
14 northbound on Diamond Bar Boulevard before you heard the
15 first shot?

16 A. About 20, 25 feet.

17 Q. And for how long were you watching him walking
18 northbound on Diamond Bar Boulevard before you heard the
19 first shot?

20 A. Probably less than a second.

21 Q. Did you think, based on your training, you
22 could simply shoot him for walking away?

23 A. I didn't shoot him for walking away.

24 Q. Okay. I'm not saying you did. I'm just
25 wondering, based on your training, in this scenario, did

1 you think you could shoot him merely for walking away?

2 MR. HURRELL: Dale, one second. Looks like --
3 we lost -- we lost you.

4 MR. GALIPO: What happened?

5 MR. HURRELL: Looks like we lost the
6 connection.

7 MR. GALIPO: I can hear you.

8 THE CERTIFIED STENOGRAPHER: I can hear you.

9 MR. HURRELL: There we go back.

10 THE WITNESS: Sorry. Can you repeat?

11 BY MR. GALIPO:

12 Q. Okay. Sure. I'm not saying you shot him for
13 just walking away. I'm just wondering, based on your
14 training, given the scenario, did you think you could
15 shoot him just for walking way?

16 A. Given the scenario, no.

17 Q. And why not, based on your training, given the
18 scenario, you could not shoot him for just walking way?

19 A. Because he hadn't committed any, I guess,
20 multiple casualty incidents or shootings at the time.

21 What was said to us was he was firing rounds. And I
22 know he had assaulted someone, but I don't know to what
23 extent.

24 Q. Okay.

25 A. So I didn't think it was enough.

1 Q. Okay. So, in your mind, based on your training
2 it wasn't enough just to shoot him for walking way?
3 There had to be more? Is that fair?

4 A. Yes.

5 Q. And I think you have some training with respect
6 to scenarios you can use deadly force. One is, if there
7 is, you know, an imminent or immediate threat of death
8 or serious bodily injury, is that one of the scenarios?

9 A. Correct.

10 Q. And the other scenario is, you know, if the
11 circumstances warrant it, someone who's a fleeing
12 felon --

13 A. Yes.

14 Q. -- under very specific circumstances? Are you
15 familiar with that concept?

16 A. Correct. That's what I was referring to, yes.

17 Q. Okay. So if I'm understanding you correctly,
18 based on your training and understanding, you couldn't
19 shoot him as a fleeing felon, but you could shoot him if
20 there was an immediate or imminent threat of death or
21 serious bodily injury?

22 A. Correct.

23 Q. You indicated that after the first shot you saw
24 him "flinch," or words to that effect. Do you recall
25 that?

1 A. Yes.

2 Q. After you fired your first shot, did you have
3 an impression as to whether your first shot struck him?

4 A. Yes.

5 Q. What was your impression?

6 A. I'm pretty sure it struck.

7 Q. And what did you see that made you believe your
8 first shot struck him?

9 A. The bullet proof vest that he was wearing kind
10 of, I guess when the round impacted it, kind of exploded
11 some. And that's pretty much when he began to turn
12 towards me.

13 Q. Okay. And I think you told me earlier you were
14 firing slugs?

15 A. Correct.

16 Q. Could you tell what part of his vest, whether
17 it was top part, middle part, lower part that you
18 struck?

19 A. If I had to guess --

20 MR. HURRELL: Don't guess.

21 MR. GALIPO: You can estimate, but we don't
22 want you to guess.

23 THE WITNESS: Okay. I know it was in the left
24 side, approximately, towards the middle left, rear area.

25 BY MR. GALIPO:

1 Q. Okay. And you saw something that made you
2 believe you struck him in that area?

3 A. Correct.

4 Q. And it sounds like at the time you fired your
5 first shot, his upper body was facing northbound; does
6 that sound correct?

7 A. Yes.

8 Q. And you were firing, I guess it would be mostly
9 eastbound, but maybe slightly northeast?

10 A. Correct.

11 Q. And then if I'm understanding your testimony,
12 his body moved after you struck him with the first --
13 your first round. Am I understanding that correctly?

14 A. Yes. He began to rotate to face me at that
15 time.

16 Q. Okay. When you fired your first round, was --
17 just prior to firing your first round, was his body more
18 or less upright?

19 A. Yes.

20 Q. And do you have an estimate as to his height
21 and weight?

22 A. I don't recall.

23 Q. He appeared to be Asian to you; or could you
24 tell?

25 A. He appeared to be Asian.

1 Q. And how much of the barrel could you see? Do
2 you have any estimate?

3 A. I couldn't estimate the amount.

4 Q. And where was the barrel directed just prior to
5 firing your first shot?

6 A. It was pointing northbound towards -- on
7 Diamond Bar Boulevard, basically.

8 Q. So -- I don't know if you took geometry at some
9 point -- and I don't want to confuse you here -- but
10 have you heard the term "low ready"?

11 A. Yes.

12 Q. So I'm just trying to figure out, was it
13 pointed in a low ready towards the ground or somewhere
14 else?

15 A. I think originally it was in the low ready, and
16 then it started to come up.

17 Q. Started to come up after you fired your first
18 shot, or before?

19 A. When I observed it, it was when I fired my
20 first shot.

21 Q. You think it started to come up at the time you
22 fired your first shot?

23 A. It might have come up before that, but from my
24 angle, I saw it when I fired my first shot, basically.

25 Q. Okay. And then where was it positioned when

1 you fired your second shot?

2 A. It was continuing to come up, but he was
3 rotating with the -- with the gun grip in his hand,
4 towards me.

5 Q. Could you see his hand when you fired the
6 second shot?

7 A. I don't know if I saw it when I fired it, but
8 it did come into view pretty much immediately after.

9 Q. When you fired your first shot or second shot,
10 could you see the trigger area of the rifle?

11 A. I don't recall.

12 Q. Did you ever see his left hand touch the rifle
13 at any time?

14 A. I believe that when he began to rotate towards
15 me, his left hand went towards the rifle.

16 Q. Did you ever see the left hand make contact
17 with the rifle?

18 A. I don't remember.

19 Q. From your viewpoint, did you ever actually see
20 his right hand on the trigger?

21 A. I saw his hand in the position of gripping the
22 pistol grip. I couldn't see the trigger.

23 Q. Could you see his hand, though? I thought you
24 told me you couldn't actually see his hand, you could
25 just see the elbow and the upper part of his arm?

1 A. Correct. And I said the position of what it
2 would look like to grip it.

3 Q. Okay. But just so I'm clear, you couldn't
4 actually, from your viewpoint, see his hand on the
5 trigger; is that fair?

6 A. Correct.

7 Q. How did he fall to the ground, if you recall?

8 A. As he began rotating towards me, after the
9 second -- after I took my second shot, his rotation
10 continued, and his -- his rotation along with the rifle
11 as well. And as he continued to lift the rifle up, he
12 basically managed to get the rifle up and over his head.
13 The sling flew off of it, and he fell kind of in a side
14 -- like to his side, slightly, forward slightly, to his
15 left, as the rifle basically -- he launched it above his
16 head. And it fell just in front of his head, pretty
17 much.

18 Q. Okay. Did -- I know you said he was facing
19 westbound, I believe, when you fired your second shot;
20 is that correct?

21 A. Correct.

22 Q. So did he fall with his head to the west?

23 A. His head would have been to the south, and the
24 front of his body was now to the west. So he managed to
25 rotate all the way around, pretty much. And his -- the

1 front of his body, as he laid on his left side, the
2 front of his body was facing west and his head was --
3 basically, the top of his head was pointing south.

4 Q. And did he end up in a chest down position or
5 some other position?

6 A. Another position.

7 Q. What position did he end up in?

8 A. I would say on his left side, so on top of his
9 left arm.

10 Q. So he's kind of laying on his left side?

11 A. Yes.

12 Q. Was -- was his right hand gripping or touching
13 the rifle, if you recall, when he was on the ground?

14 A. No. Like I said, he -- he -- during his motion
15 towards me, he continued to raise the rifle, and it came
16 up off of his head -- off his neck. The sling came off.
17 And then as he fell -- I don't know if he threw it or he
18 just -- the rifle and it fell a little bit south of his
19 head.

20 Q. Did you approach him at some point after the
21 shooting?

22 A. Yes.

23 Q. And do you know how much time passed from the
24 shooting to you approaching him?

25 A. A few seconds, I think.

1 Q. And when you approached him was he moving at
2 all?

3 A. Yes.

4 Q. What did you see, in regard to him moving when
5 you approached him?

6 A. It was slight movement in his body. I don't
7 know how to describe -- no major movement. Maybe some
8 rocking, a little bit.

9 Q. So he appeared, at least to you, to still be
10 alive when you approached him?

11 A. Yes.

12 Q. And did you ever hear him say anything at any
13 time?

14 A. No.

15 Q. Could you tell, when you approached him,
16 whether he had been struck or not?

17 A. Once we got close enough, I did see blood on
18 the floor.

19 Q. Was it your impression that your second shot
20 struck him as well?

21 A. I believe so.

22 Q. What did you see that led you to believe your
23 second shot struck him?

24 A. Nothing -- there was no -- nothing on the vest.
25 It was just, I guess, more of a trust in my firing

1 abilities. I think I hit him.

2 Q. Okay. Also, it sounds like he very soon after
3 the second shot went to the ground. Does that sound
4 right?

5 A. Yes.

6 Q. So did that also play a part in your impression
7 that you had struck him?

8 A. Yes.

9 Q. Did you hear any other shots? I know you heard
10 one shot before you fired. Did you hear any other shots
11 during your shooting sequence or immediately after?

12 A. No.

13 Q. Now, just backing up a little bit -- and you've
14 already touched on this, I think. You had some
15 information that some shots had maybe been fired in the
16 air, or something like that?

17 A. Yes.

18 Q. And you had some information that someone may
19 have been stabbed, but you didn't have any specifics as
20 to who, or the severity; is that correct?

21 A. I got to see the person who got stabbed, but I
22 don't know who she was.

23 Q. And it was hard for you to tell the severity;
24 is that fair?

25 A. Yes.

1 Q. You actually had a conversation with this
2 person?

3 A. I wouldn't call it a conversation, but we did
4 exchange words, yes.

5 Q. What do you recall the person saying to you?

6 A. "Don't hurt him." "Don't shoot him."
7 Something to that effect.

8 Q. Okay. And how many times do you recall this
9 person saying that?

10 A. She said it a few times. I don't know how
11 many.

12 Q. Did the person seem emotional to you?

13 A. She did.

14 Q. And was this person like a Hispanic -- strike
15 that -- an Asian female?

16 A. Yes.

17 Q. Did you think that this possibly could be
18 someone who knows him?

19 A. That was the assumption I made, it was a friend
20 or family member.

21 Q. Okay. You thought maybe it's a family member;
22 it could be a mother or aunt or friend? You just
23 weren't sure at the time?

24 A. Correct.

25 Q. Did you see a little bit of blood on this

1 person's hands?

2 A. A lot of blood on her hands.

3 Q. Okay. You didn't know where the source of the
4 blood was?

5 A. No.

6 Q. You didn't know if the cut was to her hand or
7 somewhere else?

8 A. No.

9 Q. Did you ask her if she needed medical
10 attention?

11 A. No.

12 Q. Did you call medical attention for her?

13 A. No.

14 Q. When she told you, "Don't hurt him," or "Don't
15 shoot him," or words to that effect, could you see him
16 at that point?

17 A. It was somewhere around that time that I saw
18 him.

19 Q. And at some point did you decide to get the
20 shotgun?

21 A. Yes.

22 Q. And did you have to load the shotgun?

23 A. I had to rearrange the way the ammo was loaded
24 in it, yes.

25 Q. Can you explain how you did that, please?

1 A. Sure. Normally, we carry our shotguns with the
2 double-lock butt rounds loaded in it. And we carry
3 slugs on the rifle -- or the shotgun saddle. So when I
4 got the shotgun, after seeing where he was, and the
5 distance he was at, and the fact that he was wearing a
6 bullet proof vest, I knew that the double lock butt was
7 going to be ineffective from that distance, or even if
8 we were closer. So I racked out the double-locked butt
9 rounds and inserted rifle slugs.

10 Q. At some point you, I think, asked another
11 deputy to drive closer to him in the patrol vehicle?

12 A. Yes.

13 Q. And you were a passenger in the vehicle at that
14 time?

15 A. Yes.

16 Q. At the time just before you fired, when you
17 were standing on the sidewalk, did you have any cover at
18 that point?

19 A. When I fired?

20 Q. Yes.

21 A. When I fired, I did not have any cover.

22 Q. Do you, in your mind, think that was at least a
23 factor in you firing, because you didn't have any cover?

24 A. No.

25 Q. How about the second shot? Do you think that

1 was a factor, in your mind at all, in firing, that you
2 didn't have any cover?

3 A. I knew that I was very exposed. And I don't
4 think -- I think it was part of it, maybe, but not --
5 the fact that he was rotating with gun in hand towards
6 me was why I fired at him.

7 Q. I understand it's not the only reason. I'm
8 just wondering if you think that was part of the reason,
9 not having cover for that second shot?

10 A. Yes. I think I was severely out-gunned, and I
11 was afraid his rifle would pierce my vest, without any
12 cover in front of me.

13 Q. Okay. And then I'm just going to ask a few
14 more questions, and we can take our first break.

15 But if, hypothetically -- this is my
16 hypothetical. If he had just been walking northbound
17 and not turned towards you, not grabbed the rifle, not
18 raised the rifle, but the rifle had just continued to be
19 slung, you know, around his neck, pointed down -- are
20 you with me in my hypothetical?

21 A. Yes.

22 Q. If that had happened, and he never raised it,
23 grabbed it or turned towards anyone, would you agree
24 that, based on your training, it would be inappropriate
25 to shoot him?

1 A. I think that if he made no movements towards
2 grabbing the rifle and was just walking, yes, we would
3 let it play out and try to deescalate the situation
4 further.

5 Q. Okay.

6 MR. GALIPO: All right. Is this a good time,
7 Kimberly, and Tom and Jerad, and Hector, to take a
8 ten-minute break?

9 (Unanimous yesses.)

10 MR. GALIPO: Okay. Thank you. I'll be back in
11 ten minutes. We'll go off video, please.

12 THE VIDEOGRAPHER: Okay. We're off the record
13 at 9:59 a.m.

14 (Break taken.)

15 THE VIDEOGRAPHER: We're back on the record at
16 10:12 a.m.

17 BY MR. GALIPO:

18 Q. Okay. Deputy, are you ready -- or Detective, I
19 should say. Are you ready to continue?

20 A. Yes. Thank you.

21 Q. You're welcome.

22 You mentioned if he had, you know, not grabbed
23 the rifle or not picked it up, or turned and kept
24 walking, you would have -- there would have been other
25 potential tactics you would have used. Do you recall us

1 A. Yes.

2 Q. Is that one of the reasons you wanted another
3 deputy to assist, by bringing up a car, with you, to
4 have potential cover?

5 A. Yes.

6 Q. You have training with respect to the concept
7 of de-escalation?

8 A. Yes.

9 Q. You have training with respect to less lethal
10 options, if the situation permits?

11 A. Yes.

12 Q. And you have training on the concept of
13 containment and perimeter? In other words, you can get
14 other officers to help, if you need it?

15 A. Yes.

16 Q. What was your understanding as to how many
17 officers were on scene, that you were aware of, prior to
18 you firing your shots?

19 A. I know that when I initially arrived on scene,
20 I arrived with one other person. And then I know that
21 the person who I called for to bring his car was an
22 additional person. And when we arrived at Diamond Bar
23 Boulevard, I saw a patrol vehicle, but I didn't see who
24 was occupying that patrol vehicle.

25 Q. Were you aware of the names of some of the

1 Q. Now, you also had training with respect to the
2 use of deadly force; correct?

3 A. Yes.

4 Q. And we talked about it a little bit prior, but
5 were you generally trained in deadly force is the
6 highest level of force an officer can use?

7 A. Yes.

8 Q. And were you trained that shooting someone
9 center mass is likely to cause great bodily injury or
10 death?

11 A. Yes.

12 Q. And absent that fleeing felon scenario that we
13 talked about doesn't apply to this case, were you
14 trained that to use deadly force, there has to be an
15 immediate or imminent threat of serious bodily injury?

16 A. Correct.

17 Q. Are you trained that you should give a verbal
18 warning before using deadly force, when feasible?

19 A. When feasible, if you can do so safely.

20 Q. And are you trained, generally, that deadly
21 force should only be used when there are no other
22 reasonable options?

23 A. Yes.

24 Q. Are you trained that, in terms of using deadly
25 force, you need, to the best of your ability, to assess

1 before shooting, and even in between shots?

2 A. Correct.

3 Q. And are you trained that you are responsible to
4 justify each of your shots in using deadly force?

5 A. Correct.

6 Q. Are you trained that you should consider your
7 backdrop or background?

8 A. Correct.

9 Q. What was your backdrop when you were firing
10 your two shots?

11 A. There was a hill, like a berm area, that was my
12 backdrop.

13 Q. Okay. It sounds like you did not want to fire
14 with the street at your backdrop, the main street; is
15 that fair?

16 A. Yes.

17 Q. And have you had training that -- in terms of
18 the immediate threat of death or serious bodily injury,
19 have you had training that there has to be the ability,
20 opportunity, and apparent intent to immediately cause
21 death or serious bodily injury?

22 A. Yes.

23 Q. And obviously, you would have had that training
24 before the day of this shooting incident; is that
25 correct?

1 A. Yes.

2 Q. Do you -- when you arrived on scene, were you
3 driving your patrol car?

4 A. Yes.

5 Q. Was anyone else in your patrol car with you?

6 A. No.

7 Q. I think you mentioned that you arrived at about
8 the same time as Deputy De la Torre?

9 A. Yes.

10 Q. Would he have been in a separate car?

11 A. Yes.

12 Q. And I think you have already told me this; but
13 what information did you have, regarding the call,
14 before you got there?

15 A. The call for service that was voiced was that a
16 -- what was believed to be a male Asian, wearing a
17 bullet proof vest, was walking down the street with an
18 assault style rifle, firing off rounds.

19 Q. Did you consider that this person may be
20 suffering from a mental illness or mental health crisis?

21 A. No. No.

22 Q. Who was the first person that you spoke to
23 after arriving on scene?

24 A. As I arrived to the area where the incident was
25 first voiced, there were several just civilians on the

1 Q. So about 18 days later? Does that sound more
2 or less correct?

3 A. Yes.

4 Q. And I think you already told me this; but you
5 had a chance to review your body worn camera footage
6 before your statement?

7 A. Yes, immediately before my statement.

8 Q. Did you have -- I don't want to know what you
9 spoke about, but did you have an opportunity to consult
10 with your attorney before your statement?

11 A. Yes.

12 Q. Had you ever gone back to the scene to do a
13 walk-through, before your statement?

14 A. No.

15 Q. Have you done a walk-through at any time, up
16 till today?

17 A. No.

18 Q. When you were on scene prior to hearing that
19 first shot you described, did you hear any other shots?

20 A. No.

21 Q. This woman who came to talk to you who asked
22 you not to shoot him or hurt him, could you tell if she
23 was stabbed or not?

24 A. I couldn't, myself. I just saw blood. And De
25 la Torre said she had been stabbed.

1 his head that turned.

2 Q. Could you see his eyes at that point?

3 A. No. He was too far.

4 Q. And I think you estimated 150 to 200 feet at
5 that point?

6 A. Yeah, about half a block; so I would say that's
7 accurate.

8 Q. When you initially saw the rifle, was it
9 initially pointed downward?

10 A. Yes. It was slung over his neck and it was
11 kind of in a downward ready, pointing towards the
12 houses.

13 Q. Did you see him pointing the gun at anyone?

14 A. Right before the shooting.

15 Q. Who did he point the gun at?

16 A. In the direction of -- again, I didn't know it
17 was Barajas until after, but in the direction where
18 Deputy Barajas was and where there were multiple
19 civilian vehicles in and around her and behind her.

20 Q. When you initially saw him, was he pointing the
21 gun at anyone?

22 A. When I first saw him on Crooked Creek, he was
23 half a block. Like I said, he was facing the houses.
24 There didn't appear to be any people around.

25 Q. When you were yelling "Bring me a car," was

1 that to Deputy Brodwicki?

2 A. It wasn't to him. I didn't know he was there.
3 I was just yelling, "Bring a car."

4 Q. And one of the reasons you wanted the car, so
5 you had something to seek cover behind?

6 A. Correct.

7 Q. Did you tell Brodwicki at some point, "Go, man,
8 go."

9 A. I don't know if those were my exact words, but
10 yeah, something to that effect.

11 Q. Did you see anyone outside, around any of the
12 houses?

13 A. No --

14 Q. Other than those initial people you talked
15 about?

16 A. Not on Crooked Creek, no.

17 Q. Did you see anybody outside, other than the
18 cars on Diamond Bar?

19 A. No.

20 Q. Would you characterize the walk that you
21 observed the decedent doing on Diamond Bar as a slow,
22 steady walk?

23 A. Yeah, it felt eerie.

24 Q. At some point, did you tell Brodwicki, after he
25 pulled his car up, to move forward?

1 A. Yes.

2 Q. Why did you tell him that?

3 A. If I recall correctly, when I told him that I
4 had a gun out of his vehicle, and I basically told him
5 to pull forward so he can continue to provide cover.

6 Q. And did he pull forward at your request?

7 A. Yes, slightly.

8 Q. And then you would have ran on foot away from
9 the vehicle?

10 A. Yes.

11 Q. Towards the north sidewalk of Crooked Creek?

12 A. Yes.

13 Q. You reference in your statement that you knew
14 your partner's background -- backdrop was horrible. Do
15 you remember saying that?

16 A. Yes.

17 Q. Who -- who were you referring to?

18 A. Whoever was on radio saying they were detaining
19 at gunpoint.

20 Q. You now know that to be Deputy Barajas?

21 A. Correct.

22 Q. And why did you feel that backdrop was
23 horrible?

24 A. Because she would have been detaining the
25 suspect, facing him -- or they would have been facing

1 A. No, I didn't focus in on that.

2 Q. Your -- the weapon that you were firing slugs
3 from, was that like in a semi-automatic mode? In other
4 words, you would have to press the trigger for each
5 shot?

6 A. It's a pump shotgun. And yes, each shot
7 requires a separate press of the trigger.

8 Q. And do you know if that shotgun ejects casings
9 with each shot?

10 A. When you pump it, it will eject a casing and
11 load the next round.

12 Q. So when you fire, a casing ejects?

13 A. When you pump it.

14 Q. Is there a difference between the pump and the
15 firing?

16 A. Yes.

17 Q. Can you explain that, please?

18 A. The firing is a pull of the trigger that causes
19 the round to ignite and go. On the pump action shotgun,
20 you need to actually pump the handle on it to basically
21 cycle the weapon. And it's that cycling that we eject
22 the expended round and load the next one.

23 Q. I see. So the shot may actually occur; and
24 then slightly after that, with the pump, the casing
25 would be ejected?

1 A. Correct.

2 Q. As part of your training in handling situations
3 like this, are you trained not to panic?

4 A. I think that they try to do that, yes.

5 Q. Okay. I think you told me at the beginning
6 that you did watch some of the body-worn camera footage?

7 A. Yes.

8 Q. So we're going to try to just look at these
9 briefly. And I may play it through or stop it and ask
10 you a few questions. I have Exhibits 1 through 7, I'm
11 going briefly show you in a moment. But if it's okay,
12 we're going to start with Exhibit 8, because I think
13 that's a portion of your body-worn camera footage, and
14 we're going to try to play it. Hopefully you'll be able
15 to see it.

16 And for the record -- Hang, is it 2:08, in the
17 bottom left?

18 MS. LE: Yeah. So for the record, this is
19 Bates stamp COLA 00855. We're starting in the video at
20 2:08; but on the Axon timestamp, it's 11:41 and 52
21 seconds.

22 (Exhibit Number 8 was marked.)

23 MR. GALIPO: Okay. Let's play.

24 (Video being played.)

25 MR. GALIPO: Okay. We stopped it at -- is that

1 does he still look to be northbound on Diamond Bar in
2 this frame?

3 A. Yes.

4 Q. Can we go to Exhibit 3, please.

5 (Exhibit Number 3 was marked.)

6 BY MR. GALIPO:

7 Q. And this is at 11:45 and 9 seconds. Does he
8 still appear to be walking or facing northbound on
9 Diamond Bar Boulevard?

10 A. That's what it looks like in the still, yes.

11 Q. Okay. Can we go to Exhibit 4, please.

12 (Exhibit Number 4 was marked.)

13 BY MR. GALIPO:

14 Q. And this is at 11:45 and 11 seconds. Again, he
15 still appears to be facing or walking northbound on
16 Diamond Bar Boulevard here?

17 A. Yes, that's what it looks like.

18 Q. All right. Can we go to Exhibit 5, please.

19 (Exhibit Number 5 was marked.)

20 BY MR. GALIPO:

21 Q. And this is at 11:45:14. Did you see some
22 smoke in this image?

23 A. Not smoke, but there's a little blurriness or
24 -- I don't know what it is.

25 Q. Okay. Does he appear to be slightly bent over

1 in this image?

2 A. He does.

3 Q. Still generally facing northbound?

4 A. Looks like it.

5 Q. Okay. Let's go to the next exhibit, I think
6 will be 6.

7 (Exhibit Number 6 was marked.)

8 BY MR. GALIPO:

9 Q. And this is at 11:45:14. Again, he appears to
10 be bent over, somewhat facing northbound in this image?

11 A. I can't really tell.

12 Q. Hard to tell?

13 A. Yeah. I'm having a hard time. It's kind of
14 small.

15 MR. GALIPO: Okay. Are we able to zoom in at
16 all for him, Hang?

17 BY MR. GALIPO:

18 Q. Is it easier to see now that's zoomed in a
19 little bit?

20 A. I'm not -- no.

21 MR. HURRELL: The question is, is he standing
22 upright or --

23 BY MR. GALIPO:

24 Q. Yeah. Can you -- well, first of all, can you
25 see him in this image?

1 THE VIDEOGRAPHER: We're off the record at
2 11:10 a.m.

3 (Break taken.)

4 THE VIDEOGRAPHER: We're back on the record at
5 11:20 a.m.

6 MR. GALIPO: Thank you.

7 BY MR. GALIPO:

8 Q. So, to your knowledge, was this the first time
9 you ever saw this -- this person that you shot?

10 A. Yes.

11 Q. Did you know anything about him, as far as his
12 background, prior to the day of the shooting?

13 A. No.

14 Q. For example, did you have any information that
15 he had a criminal history before that day?

16 A. No.

17 Q. Any information he was under the influence of
18 alcohol or drugs or anything like that?

19 A. No.

20 Q. So I think you also mentioned that you watched
21 the body-worn camera of Deputy Barajas recently?

22 A. Yes.

23 Q. Okay. So we're going to, lastly, just look at
24 that. That will be Exhibit 9. And then I think we're
25 going to be done. I may stop it a few times and ask you

1 a few questions.

2 MR. GALIPO: See if we can play that Hang, and
3 I'll let you know if we need to stop it.

4 (Exhibit Number 9 was marked.)

5 BY MR. GALIPO:

6 Q. And it looks like the time is --

7 MS. LE: We're starting at 7:35. And the time
8 stamp on the Axon body cam is 11:44 and 34 seconds.

9 MR. GALIPO: Okay. Thank you.

10 (Video being played.)

11 MR. GALIPO: All right. Can you stop it there?
12 Where did we stop it, Hang?

13 MS. LE: This is 8:15. And the video on the
14 timestamp on the Axon body cam 11:45 and 13 seconds.

15 BY MR. GALIPO:

16 Q. Okay. Are you able to see that on your screen,
17 Detective?

18 A. Yes.

19 Q. And have you heard a couple shots go off, so
20 far?

21 A. It sounded like, yes.

22 Q. Could you tell if any of those shots that went
23 on so far were yours?

24 A. I don't know.

25 Q. Okay. Can you see the decedent in this image

1 on your screen?

2 A. Yes.

3 Q. Would you agree that his upper body appears to
4 be facing north in this image?

5 A. It looks like it, yes.

6 Q. Okay. And -- and it's your understanding the
7 gun we're looking at here would be Deputy Barajas's gun;
8 correct?

9 A. Yes.

10 Q. Okay.

11 MR. GALIPO: Can we go slightly forward and
12 stop again, please.

13 (Video being played.)

14 MR. GALIPO: Okay. Where are we stopped now?

15 MS. LE: 8:16. And the Axon body time stamp is
16 11:45 and 15 seconds.

17 BY MR. GALIPO:

18 Q. Can you see him in this image, Detective?

19 A. Yes.

20 Q. Does he appear to be somewhat bent or canted
21 forward at this point?

22 A. Yes, somewhat.

23 Q. Does he appear to be pointing the rifle at
24 anyone at this point, in this image?

25 A. It looks like he has it gripped, but I can't

1 tell where it's pointing.

2 Q. Okay. Would you agree that he's still -- he's
3 not turned west, at least at this point?

4 A. Well, his feet are starting to offset. And in
5 the still it still looks like he's facing north.

6 MR. GALIPO: What's the time frame on this
7 again, Hang?

8 MS. LE: 11:45 and 15 seconds.

9 MR. GALIPO: Okay. Go ahead and play.

10 (Video being played.)

11 MR. GALIPO: Stop.

12 Q. Do you know if that last shot was your shot or
13 not?

14 A. I don't know.

15 Q. Okay. Let's just back it up and play it one
16 last time for the detective.

17 (Video being played.)

18 MR. GALIPO: Not the whole thing, just the
19 shooting sequence. Yeah. Where are we starting?

20 MS. LE: We're at 8:03, which is 11:45 and 2
21 seconds.

22 MR. GALIPO: Okay. Thank you.

23 (Video being played.)

24 MR. GALIPO: Okay. I think this is good to
25 stop here. Where did we stop?

1 STATE OF CALIFORNIA)
2) ss:
3 COUNTY OF BUTTE)

4 I, KIMBERLY E. D'URSO, do hereby certify:

5 That the witness named in the foregoing
6 deposition was present remotely and duly sworn to testify
7 to the truth in the within-entitled action on the day and
8 date and at the time and place therein specified;


9 That the testimony of said witness was reported
10 by me in shorthand and was thereafter transcribed through
11 computer-aided transcription;

12 That the foregoing constitutes a full, true and
13 correct transcript of said deposition and of the
14 proceedings which took place;

15 Further, that if the foregoing pertains to the
16 original transcript of a deposition in a federal case,
17 before completion of the proceedings, review of the
18 transcript [] was [] was not requested.

19 That I am a certified stenographic reporter and
20 a disinterested person to the said action;

21 IN WITNESS WHEREOF, I have hereunder subscribed
22 my hand this 30th day of September, 2025.

23 
24 KIMBERLY D'URSO, CSR NO. 11372, RPR
25